

THIRTEENTH DAY
(Monday, February 11, 1991)

The Senate met at 2:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Harris of Tarrant, Parker.

A quorum was announced present.

The Reverend Dr. Rick Irwin, Proctor Baptist Church, Port Arthur, offered the invocation as follows:

Heavenly Father, we express our thankfulness for this day and the opportunities that it holds for each of us.

We call upon You for the knowledge to see the facts in every decision which is to be made and ask for wisdom in making the right choices.

Especially this hour, we pray for our government, the brave young men and women who fight to eradicate tyranny and preserve the freedom and peace we hold so dear in this world.

In Christ's name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 7, 1991, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Harris of Tarrant was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Brooks.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.R. 151 by Henderson, Green, Intergovernmental Relations
Brooks, Brown

Requesting that the City of Houston, the Houston City Council, and the Department of Aviation not impose an airport access tax for off-site parking lots.

S.C.R. 29 by Barrientos Education
Requesting Texas Education Agency to designate a staff social worker to assist with case management oriented dropout programs and report directly to the deputy commissioner who oversees dropout programs.

S.C.R. 30 by Barrientos Education
Requesting State Board of Education to fully implement existing social service programs and to consider the viability of hiring a social services coordinator for each school district.

- S.J.R. 15** by Ratliff, Dickson Finance
Proposing a constitutional amendment to authorize the exemption from ad valorem taxation of property owned by a nonprofit water supply or wastewater service corporation.
- S.J.R. 16** by Whitmire State Affairs
Proposing a constitutional amendment to allow random drug testing of certain governmental employees.
- S.J.R. 17** by Whitmire Jurisprudence
Proposing a constitutional amendment relating to the mandatory retirement age for certain justices and judges.
- S.B. 301** by Bivins, Harris of Tarrant, Economic Development
Lucio, Moncrief
Relating to products liability actions.
- S.B. 305** by Barrientos Economic Development
Subcommittee on Insurance
Relating to proof of insurance for certain lenders.
- S.B. 306** by Carriker Criminal Justice
Relating to submission by local law enforcement agencies of family violence reports to the Department of Public Safety.
- S.B. 307** by Carriker Health and Human Services
Relating to qualifications of the commissioner of health.
- S.B. 308** by Carriker Natural Resources
Relating to aircraft fueling facilities.
- S.B. 309** by Sims Natural Resources
Relating to the control and prevention of certain animal diseases and to the application of those measures to exotic species; providing penalties.
- S.B. 310** by Leedom Economic Development
Relating to eligible investment securities to be pledged with the treasurer by a state depository.
- S.B. 311** by Whitmire Intergovernmental Relations
Relating to the validation of governmental acts and proceedings by municipalities.
- S.B. 312** by Whitmire State Affairs
Relating to the removal of obstructions from roadways and road rights-of-way.
- S.B. 313** by Armbrister State Affairs
Subcommittee on Elections and Ethics
Relating to the minimum voter turnout required for an election on the issuance of county or municipal bonds.
- S.B. 314** by Brown, Ellis Criminal Justice
Relating to the penalty groups of controlled substances, offenses, and civil penalties under the Texas Controlled Substances Act.
- S.B. 315** by Green Finance
Relating to the compensation of a retired judge assigned as a visiting judge.
- S.B. 316** by Green Jurisprudence
Relating to the exemption of judges and justices from the prohibition against carrying certain weapons.
- S.B. 317** by Whitmire Education
Relating to the election of members of the board of trustees of certain school districts.

- S.B. 318** by Armbrister State Affairs
Relating to the conveyance of a one (1) acre tract of land in Lee County, Texas, formerly used as a lookout tower site by the Texas Forest Service.
- S.B. 319** by Sims Finance
Relating to the taxation of certain insurance services relating to a national flood insurance policy.
- S.B. 320** by Tejeda Natural Resources
Subcommittee on Water
Relating to the eligibility of a county to participate in financial assistance programs to provide facility engineering and water supply and sewer services in economically distressed areas.
- S.B. 321** by Haley, Harris of Tarrant State Affairs
Relating to the certification and licensing of real estate appraisers.
- S.B. 322** by Green Natural Resources
Relating to the issuance of a permit for an off-site hazardous waste incinerator within a certain distance of a school.
- S.B. 323** by Green Finance
Relating to the continuation and operation of the State Pension Review Board.
- S.B. 324** by Green Economic Development
Subcommittee on Insurance
Relating to the assessment of certain fees by local recording agents.
- S.B. 325** by Ratliff, Dickson Finance
Relating to the exemption from ad valorem taxation of certain property of a nonprofit corporation that supplies water or provides wastewater service and the effect of the exemption on the rates of the corporation.
- S.B. 326** by Ratliff Natural Resources
Relating to the contract authority of the Franklin County Water District.
- S.B. 327** by Lyon Health and Human Services
Relating to the reporting of injuries to the Texas Department of Health; amending Title 2, Health and Safety Code; and declaring an emergency.
- S.B. 328** by Green Education
Relating to the residence status for educational purposes of an inmate of the Texas Department of Criminal Justice.
- S.B. 329** by Green State Affairs
Relating to fire protection standards for buildings owned or leased by the state.
- S.B. 330** by Armbrister Intergovernmental Relations
Relating to the supplemental compensation paid district judges in Victoria County.
- S.B. 332** by Johnson Intergovernmental Relations
Relating to the transfer to a receiver of property not in compliance with municipal ordinances.
- S.B. 333** by Johnson State Affairs
Relating to discriminatory housing practices and municipal fair housing ordinances.
- S.B. 334** by Whitmire Jurisprudence
Relating to the ability of a convicted felon to have a court grant a change of name order.

- S.B. 335** by Turner Finance
Relating to the waiver of penalty and interest on delinquent property taxes.
- S.B. 336** by Turner Intergovernmental Relations
Relating to the appointment of a public defender.
- S.B. 337** by Harris of Tarrant Criminal Justice
Relating to the availability of bail for a person awaiting extradition after the service of the governor's warrant of arrest.
- S.B. 338** by Sims Natural Resources
Relating to the composition of the state well plugging fund and to the amount of the fees deposited in the fund.
- S.B. 339** by Brooks Economic Development
Subcommittee on Insurance
Relating to the provision under certain health insurance coverage of benefits for cleft lip, cleft palate, and other craniofacial defects.
- S.B. 340** by Brooks Health and Human Services
Relating to granting a licensed psychologist membership or privileges on the staff of a hospital or private mental hospital or facility.
- S.B. 341** by Parker Finance
Relating to the compensation of a retired judge assigned as a visiting judge.
- S.B. 342** by Krier State Affairs
Subcommittee on Elections and Ethics
Relating to conducting and financing primary elections.
- S.B. 343** by Zaffirini State Affairs
Relating to commissions for certain retired peace officers and the authority for those officers to carry certain weapons.
- S.B. 344** by Zaffirini Finance
Relating to the authority of certain municipalities to create an industrial development corporation and levy a sales and use tax for its benefit.
- S.B. 345** by Zaffirini Jurisprudence
Relating to informed consent for the immunization of a minor and to a limitation of liability for damages arising from the immunization.
- S.B. 346** by Zaffirini, Brooks, Carriker, Health and Human Services
Lucio, Rosson, Truan
Relating to the practice of lay midwifery; providing criminal and civil penalties.
- S.B. 347** by Zaffirini Jurisprudence
Relating to consent by minors to preventive health care.
- S.B. 348** by Zaffirini, Sims, Truan, Lucio Natural Resources
Relating to the burning of hazardous materials.
- S.B. 349** by Zaffirini, Truan, Lucio Natural Resources
Relating to the burning of hazardous materials.
- S.B. 350** by Zaffirini, Sims, Truan, Lucio Natural Resources
Relating to the burning of hazardous materials.
- S.B. 353** by Brown Criminal Justice
Relating to the offenses of aggravated assault and deadly assault on a municipal officer or employee who is authorized to issue citations or serve process.

- S.B. 354** by Lyon Intergovernmental Relations
 Relating to the purchase of insurance by municipalities without competitive bidding.
- S.B. 355** by Zaffirini Criminal Justice
 Relating to the disposition of fees imposed for execution or processing of a warrant or capias.
- S.B. 356** by Green Intergovernmental Relations
 Relating to the authority of certain counties to regulate alarm systems; providing penalties.
- S.B. 357** by Green Economic Development
Subcommittee on Insurance
 Relating to health insurance benefits for the treatment of certain bones and joints of the human body.
- S.B. 358** by Green, Montford Jurisprudence
 Relating to the continuation and operation of the State Bar of Texas and to the state bar's and the state supreme court's functions concerning the regulation of attorneys.
- S.B. 359** by Green Jurisprudence
 Relating to the continuation and operation of the Board of Law Examiners and to the function of the board and the state supreme court concerning the licensing of attorneys.
- S.B. 360** by Green State Affairs
Subcommittee on Elections and Ethics
 Relating to voting by and the cancellation of the voter registrations of persons whose names appear on the lists of returned registration certificates.
- S.B. 361** by Green State Affairs
Subcommittee on Elections and Ethics
 Relating to the period and the hours for conducting absentee voting by personal appearance in certain elections.
- S.B. 362** by Armbrister Economic Development
 Relating to a requirement that local economic impact statements prepared by the Texas Department of Commerce accompany certain proposed state agency rules.
- S.B. 363** by Truan Natural Resources
Subcommittee on Water
 Relating to factors considered in determining the amount of an administrative penalty under the Texas Clean Air Act.
- S.B. 364** by Lucio Jurisprudence
 Relating to a frivolous lawsuit brought against a person who has reported child abuse or participated in a judicial proceeding resulting from a report of child abuse.
- S.B. 365** by Lucio Finance
 Relating to an emergency appropriation to the General Land Office for the demolition and removal of the Old Queen Isabella Causeway State Fishing Pier.
- S.B. 366** by Parker Economic Development
 Relating to the payment of wages.
- S.B. 367** by Barrientos Education
 Relating to class credit for a student with more than the allowable number of absences.

S.B. 368 by Ellis State Affairs
Relating to the operation of authorized emergency vehicles.

S.B. 369 by Ellis Jurisprudence
Relating to indemnity provisions in certain mineral agreements.

S.B. 370 by Ellis Criminal Justice
Relating to enhancement of the penalty for adults who commit certain drug offenses while in the presence of minors.

S.B. 371 by Ellis Jurisprudence
Relating to an increase in local control over the imposition of court costs to support a county's alternative dispute resolution system.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
February 11, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS BOARD OF PRIVATE INVESTIGATORS
AND PRIVATE SECURITY AGENCIES, for a term to expire January 31, 1997:

BRENDA H. COLLIER
4428 Ringgold
Plano, Texas 75093

Mrs. Collier will be replacing Patti Ivey of Robert Lee, whose term expired.

TO BE MEMBERS OF THE TEXAS NATIONAL RESEARCH LABORATORY
COMMISSION, for terms to expire February 1, 1997:

MARTHA E. SMILEY
1411 Hardouin Avenue
Austin, Texas 78703

Ms. Smiley will be replacing Martin Goland of San Antonio, whose term expired.

PETER T. FLAWN
3718 Bridle Path
Austin, Texas 78703

Dr. Flawn will be replacing Gerald Griffin of Houston, whose term expired.

JEROME W. JOHNSON
2802 Harmony
Amarillo, Texas 79106

Mr. Johnson is being reappointed.

Respectfully submitted,
/s/Ann W. Richards
Governor of Texas

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 10

S.C.R. 15

S.C.R. 17

(Senator Brooks in Chair)

COMMITTEE SUBSTITUTE SENATE RESOLUTION 18

The Presiding Officer laid before the Senate the following resolution:

RULES OF THE SENATE

BE IT RESOLVED by the Senate of the State of Texas, That the Temporary Rules of the Senate of the 72nd Legislature are adopted as the Permanent Rules of the 72nd Legislature with the following modifications:

1. Amend Rule 1.03 to read as follows:

VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR

Rule 1.03. If the office of Lieutenant Governor becomes vacant, the President Pro Tempore of the Senate shall convene the Committee of the Whole Senate within 30 days after the vacancy occurs. The Committee of the Whole Senate shall elect one of its members to perform the duties of the Lieutenant Governor in addition to the [his] duties of [as] Senator until the next general election. If the Senator so elected ceases to be a Senator before the election of a new Lieutenant Governor, another Senator shall be elected in the same manner to perform the duties of the Lieutenant Governor until the next general election. Until the Committee of the Whole Senate elects one of its members for this purpose, the President Pro Tempore shall perform the duties of the Lieutenant Governor. (Constitution, Article III, Section 9, as amended November 6, 1984) (Former Rule 6)

2. Amend Rule 5.08 to read as follows:

MORNING CALL

Rule 5.08. The President then shall call:

- (1) ~~for petitions and memorials;~~
- ~~{(2)}~~ for reports from standing committees;
- (2) ~~{(3)}~~ for reports from select committees;
- (3) ~~{(4)}~~ for Senate bills and resolutions and House bills and resolutions on first reading and referral to committee;
- (4) ~~{(5)}~~ for the introduction and consideration of resolutions;
- (5) ~~{(6)}~~ for messages and executive communications;
- (6) ~~{(7)}~~ for motions to print on minority reports;
- (7) ~~{(8)}~~ for other motions not provided herein, including but not limited to motions to set a bill for special order, to reconsider, to print and not print bills, to rerefer bills, to concur in House amendments to Senate bills, to not concur in House amendments to Senate bills, to request the appointment of conference committees, and to adopt conference committee reports.

This concludes the morning call, which the President shall announce to the Senate.

It shall not be in order, during the morning call, to move to take up a bill or resolution out of its regular order, and the presiding officer shall not recognize any Senator for the purpose of making any such motion or making a motion to suspend this rule. (Former Rule 11)

3. Amend Rule 6.01 to read as follows:

MOTIONS AND THEIR PRECEDENCE

Rule 6.01. (a) When a question is under consideration by the Senate, no motion shall be made except:

- (1) to fix the day to which the Senate shall adjourn or recess;
- (2) to adjourn or recess;
- (3) to proceed to the transaction of executive business;
- (4) the previous question;
- (5) to lay on the table;
- (6) to lay on the table subject to call;
- (7) to postpone to a time certain;
- (8) to commit;
- (9) to amend;
- (10) to postpone indefinitely.

These several motions have precedence in the order named. It shall be in order to make any number of the above motions before any vote is taken, but the votes shall be taken on all such motions made in the order of the precedence above stated. (Former Rule 16)

(b) Upon compliance with pertinent Senate rules, motions addressing House amendments to Senate bills, appointment of conference committees, and conference committee reports are privileged and may be taken up at any time when no other matter is pending before the Senate.

4. Amend Rule 6.15 by adding Subsections (c) and (d) to read as follows:

(c) A member must be on the floor of the Senate or in an adjacent room or hallway on the same level as the Senate floor or gallery in order to vote; but a member who is out of the Senate when a record vote is taken and who wishes to be recorded shall be permitted to do so provided:

(1) the member was out of the Senate temporarily, having been recorded earlier as present;

(2) the vote is submitted to the Secretary of the Senate prior to adjournment or recess to another calendar day; and

(3) the recording of the member's vote does not change the result as announced by the chair.

(d) Once begun, a roll call may not be interrupted for any reason.

5. Amend Rule 7.05(b), as amended by S.R. 3, 72nd Legislature, Regular Session, to read as follows:

(b) Except as otherwise provided in this rule, Senate bills filed for introduction, and House bills received by the Senate, shall be read on first reading at the appropriate point in the morning call within five legislative days [as soon as reasonably practicable] after filing or receipt.

6. Amend Rule 7.10 to read as follows:

FISCAL NOTES

Rule 7.10. (a) Any bill or joint resolution which authorizes or requires the expenditure or diversion of any state funds for any purpose, except the general appropriations bill, shall have a fiscal note signed by the director of the Legislative Budget Board attached to the bill or resolution, outlining the fiscal implications and probable cost of the measure each year for the first five years after its passage and a statement as to whether or not there will be a cost involved thereafter. The fiscal note shall include the number of additional employees considered in arriving at the probable cost.

(b) Any bill or joint resolution that has statewide impact on units of local government of the same type or class and that authorizes or requires, presently or in the future, the expenditure or diversion of local funds or that proposes any new local tax, fee, license charge, or penalty or any increased or decreased local tax, fee, license charge, or penalty shall have a fiscal note signed by the director of the

Legislative Budget Board attached to the bill or resolution, outlining the fiscal implications and probable cost of the measure to the affected unit or units of local government each year for the first five years after its passage and a statement as to whether or not there will be a cost involved thereafter. This requirement shall not apply to any local or special bill affecting only one unit of government.

(c) In Subsection (b) of this rule, "unit of local government" means county, city, town, school district, conservation district, hospital district, or any other political district.

(d) In preparing a fiscal note, the director of the Legislative Budget Board may utilize information or data supplied by any person, agency, organization, or governmental unit the director deems reliable and, if so, may state the source or sources of the information or data used and the extent to which the director relied on the information or data in preparing the fiscal note. If the director determines that the fiscal implications of the bill or resolution cannot be ascertained or that the bill or resolution authorizes an unlimited expenditure or diversion of funds for any period to which the fiscal note applies, the director shall so state in the fiscal note, in which case the fiscal note shall be in full compliance with this rule.

(e) It shall be the duty of the chair of each standing committee, immediately after the bill or resolution has been referred to the standing committee, to determine whether or not a fiscal note is required and, if so, to send a copy of the bill or resolution to the Legislative Budget Board with a request for the preparation of a fiscal note. The Legislative Budget Board shall forward a copy of each fiscal note to the chair and the author or sponsor of the affected bill or resolution. The fiscal note shall be attached to the affected bill or resolution before a committee hearing can be conducted.

(f) In the event a bill or resolution is amended by the committee so as to alter its fiscal implications, [either] an updated fiscal note [or statement prepared by the author, whichever is applicable,] shall be obtained by the chair and attached to the bill or resolution as a part of the committee report. All fiscal notes or author's statements, original and updated, shall remain with the bill or resolution throughout the entire legislative process, including submission to the Governor. (Former Rule 94.3)

7. Amend the Senate Rules by adding a new Rule 7.11 to read as follows and renumbering the subsequent rules and internal references accordingly:

Rule 7.11. CRIMINAL JUSTICE POLICY AND EQUALIZED EDUCATION FUNDING IMPACT STATEMENTS. (a) If the chair of a standing committee determines that a bill or resolution authorizes or requires a change in the sanctions applicable to adults convicted of felony crimes, the chair shall send a copy of the bill or resolution to the Legislative Budget Board for the preparation of a criminal justice policy impact statement that includes an estimate of the impact of proposed policy changes on the programs and work loads of state corrections agencies and on the demand for resources and services of those agencies. In this subsection, "sanctions" includes sentences as well as adjustments to sentences such as probation, parole, and mandatory supervision, including changes in policy or statutes related to eligibility, revocation, and good time credits.

(b) If the chair of a standing committee determines that a bill or resolution affects public education, the chair shall send a copy of the bill or resolution to the Legislative Budget Board for the preparation of an equalized education funding impact statement that evaluates the effect of the bill or resolution on all state equalized funding requirements and policies.

(c) If the director is unable to acquire or develop sufficient information to prepare an impact statement within 15 days after receiving a bill or resolution, the director shall prepare the impact statement by stating that fact, and the impact statement shall be in full compliance with the rules.

(d) The Legislative Budget Board shall forward a copy of each impact statement to the author or sponsor of the affected bill or resolution.

(e) In preparing an impact statement, the director of the Legislative Budget Board may use information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable and shall state the source or sources of the information or data used and may state the extent to which the director relied on the information or data in preparing the impact statement.

(f) If the director determines that the effect of the bill or resolution cannot be ascertained, the director shall prepare the impact statement by stating that fact, and the impact statement shall be in full compliance with the rules.

(g) If the chair determines that an impact statement is required, the impact statement must be attached to the bill or resolution before a committee hearing can be conducted on the bill or resolution. The impact statement shall be attached to the bill or resolution on first printing. If the bill or resolution is amended by the committee so as to alter its policy implications, the chair shall obtain an updated impact statement, which shall be attached to the bill or resolution as part of the committee report.

(h) All impact statements shall remain with the bill or resolution throughout the entire legislative process, including submission to the governor.

8. Amend Rule 7.25 to read as follows:

SEVENTY-TWO-HOUR RULE

Rule 7.25. (a) No bill shall be considered, unless it has been first referred to a committee and reported thereon, and no bill shall be passed which has not been presented and referred to and reported from a [Senate] committee at least three days before the final adjournment of the Legislature.

(b) No bill shall be passed which has not been presented and referred to and reported from a Senate committee at least three days before the final adjournment of the Legislature. It shall require a vote of four-fifths of the members present to suspend this rule. (Constitution, Article III, Section 37) (Former Rule 73)

9. Amend Rule 8.02 to read as follows:

REFERRAL TO COMMITTEE

Rule 8.02. Petitions, concurrent and joint resolutions, and resolutions setting or defining legislative or state policy or amending the Senate Rules shall be referred to an appropriate standing committee when introduced and shall not be considered immediately unless the Senate so directs by a two-thirds vote of the members present. The motion to consider such petition or resolution immediately is not debatable. (Former Rule 78(b))

10. Amend Rule 9.02 to read as follows:

INTRODUCTION AND CONSIDERATION OF LOCAL BILLS

Rule 9.02. The constitutional procedure with reference to the introduction, reference to a committee, and the consideration of bills set forth in Article III, Section 5, of the Constitution, shall not apply to local bills herein [hereinafter] defined, and the same may be introduced, referred, reported, and acted upon at any time under the general rules and order of business of the Senate. (Former Rule 88)

11. Amend Rule 11.11 to read as follows:

PUBLIC NOTICE OF COMMITTEE MEETINGS

Rule 11.11. (a) No committee or subcommittee, except a conference committee, shall meet without at least 24 hours public notice.

(b) Each committee and subcommittee shall meet regularly at an established time and place and shall give public notice at least 24 hours in advance for special meetings.

(c) The chair of each committee and subcommittee shall notify the Secretary of the Senate immediately after the time and place for a committee meeting has

been fixed or a meeting has been cancelled. The Secretary shall post notice of the time and place of the meeting on a bulletin board located outside the Secretary of the Senate's office. (Former Rule 103)

12. Amend Rule 11.18 to read as follows:

MINORITY REPORTS

Rule 11.18. (a) If a motion to report a bill or resolution ~~[favorably or] unfavorably receives [fails to receive]~~ an affirmative vote of a majority of the members of a committee, a favorable minority report may be made. The minority report must be signed by three members of the committee if the committee is composed of less than 11 members or four members if the committee has 11 or more members. The members signing the report must have been present and voted ~~[for the motion to report favorably or]~~ against the motion to report unfavorably.

(b) The minority report must be filed with the Secretary of the Senate within two calendar days after the vote was taken, Sundays and days the Senate is not in session excluded.

(c) The sponsor of a bill or resolution for which a minority report is filed or a member signing the minority report must move to have the bill or resolution placed on the calendar within 10 calendar days after the date on which the committee's vote was taken. An affirmative vote of two-thirds of the members present is required for the motion to carry. ~~[The motion is privileged.]~~ If the motion fails or is not made within the time allowed, the bill or resolution is dead and may not be considered again during the session. (Former Rule 109)

13. Amend Rule 12.01 to read as follows:

APPOINTMENT OF CONFERENCE COMMITTEES

Rule 12.01. All conference committees of the Senate shall be selected and appointed by the President or the President Pro Tempore when the latter shall be presiding. The member authoring or sponsoring the bill for which the conference committee is selected shall be appointed chair of the Senate conferees. At least two ~~[The majority]~~ of the Senate conferees must be from a standing committee which heard the bill. (Former Rule 95)

14. Amend Rule 12.09 to read as follows:

PRINTING AND NOTICE OF CONFERENCE COMMITTEE REPORTS

Rule 12.09. (a) All conference committee reports on bills other than the general appropriations bill and tax, reapportionment, and recodification bills must be reproduced and a copy thereof furnished to each member at least 24 hours before any action thereon can be taken ~~[by either House]~~; provided, however, that the 24-hour delay ~~[on action by either House, as herein provided;]~~ shall not apply during the last 48 hours of any session.

(b) All conference committee reports on the general appropriations bill, tax bills, reapportionment bills, and recodification bills must be reproduced and a copy thereof furnished to each member at least 48 hours before any action thereon can be taken ~~[by either House]~~, if convened in regular session, and 24 hours, if convened in called session. (Former Rule 96(g),(h))

15. Amend Rule 12.10 to read as follows:

SECTION-BY-SECTION ANALYSIS

Rule 12.10. Each conference committee report, regardless of its subject matter, must have attached thereto a section-by-section analysis showing the disagreements which have been resolved by the conference committee. This analysis must show for each and every disagreement in parallel columns: (1) the substance of the House version; (2) the substance of the Senate version; and (3) the substance of the recommendation by the conference committee. No action shall be taken ~~[by either House]~~ on any conference committee report in the absence of such analysis, except by an affirmative vote of two-thirds of the members present, with the yeas and nays thereon to be recorded in the journal ~~[of such House]~~. (Former Rule 96(i))

16. Amend Rule 16.06 to read as follows:

**MATTERS REQUIRING VOTE OF
TWO-THIRDS OF MEMBERS PRESENT**

Rule 16.06. A vote of two-thirds of the members present shall be required to:

- (1) impeach any officer; (Constitution, Article XV, Section 3) (Former Rule 32)
- (2) pass a Senate bill that has been returned by the Governor with objections; Rule 6.20 (Constitution, Article IV, Section 14) (Former Rule 31) See note to Rule 6.20.
- (3) confirm an appointee of the Governor, unless otherwise directed by law; (Constitution, Article IV, Section 12) (Former Rule 32)
- (4) adopt an amendment at third reading of a bill or a joint resolution; Rules 7.20 and 10.02 (Former Rule 32)
- (5) suspend the floor privileges of a member of the Senate; Rule 4.07 (Former Rule 58)
- (6) suspend the regular order of business; Rule 5.13 (Former Rule 32)
- (7) excuse absentees; Rule 5.03 (Former Rule 32)
- (8) set a matter for special order; Rule 5.11 (Former Rule 14) See note to Rule 5.11.
- (9) place a minority report on the calendar; Rule 11.18 (Former Rule 109)
- (10) rerefer a bill to another committee; Rule 6.08 (Former Rule 92)
- (11) suspend the section-by-section analysis on conference committee reports; Rule 12.10 (Former Rule 96)
- (12) suspend[, amend;] or rescind any rule of the Senate unless the rules specify a different majority; Rule 22.01 (Former Rule 32)
- (13) consider immediately petitions, concurrent and joint resolutions, or resolutions setting or defining legislative or state policy. Rule 8.02 (Former Rule 78) See note to Rule 8.02.

17. Amend Rule 16.07 to read as follows:

**MATTERS REQUIRING VOTE OF MAJORITY OF
MEMBERS OF SENATE**

Rule 16.07. A vote of the majority of the members of the Senate is required to:

- (1) pass a resolution initially adopting temporary or permanent rules of the Senate; Rule 21.01 (Former Rule 32.1)
- (2) adopt, amend, or rescind the Joint Rules of the two Houses; Rules 21.02 and 22.02 (Former Rule 32.1)
- (3) adopt resolution to suspend conference committee rules; Rule 12.08 (Former Rule 96)
- (4) commit or recommit bill, resolution, or petition to a committee; Rule 6.08 (Former Rule 92)
- (5) hold an executive session;[:] Rule 15.02 (Former Rule 41)
- (6) pass a resolution amending the Rules of the Senate.

18. Amend Rule 17.01 to read as follows:

REASON FOR VOTE

Rule 17.01. Any member shall have the privilege to have spread upon the journal of the Senate a brief statement of the member's reason for any vote he or she may cast. Such statement shall not deal in personalities or contain any personal reflection on any member of the Legislature, the Speaker, the Lieutenant Governor, or the Governor and shall not in any other manner transgress the rules or traditions of the Senate. (Former Rule 22)

19. Amend Rule 22.01 to read as follows:

SENATE RULES

Rule 22.01. It shall require a vote of two-thirds of the members present to suspend[, amend, or rescind] any rule of the Senate, unless the rules specify a different majority. A majority of the members of the Senate may amend the Rules of the Senate by adoption of a Senate resolution amending the rules, which resolution has been referred to and reported from a committee as otherwise required by these rules. Rule 16.06 (Former Rule 32) See note to Rule 16.06.

The resolution was read second time.

Senator Harris of Dallas offered the following amendment to the resolution:

Amend C.S.S.R. 18 by replacing the word "amend" on page 6, line 17 and deleting the new subsection 6 on page 6 and line 39.

The amendment was read.

On motion of Senator Glasgow and by unanimous consent, the amendment was tabled by a viva voce vote.

The resolution was adopted by a viva voce vote.

RECORD OF VOTE

Senator Krier asked to be recorded as voting "Nay" on the adoption of the resolution.

MESSAGE FROM THE HOUSE

House Chamber
February 11, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 37, Honoring the memory of Judge Woodrow Bradley Seals.

H.C.R. 63, In memory of Constable Darrell Lunsford, Sr.

H.C.R. 62, Expressing support for troops in the Middle East.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 188 ON SECOND READING

Senator Green moved that the regular order of business be suspended and that S.B. 188 be taken up for consideration at this time:

S.B. 188, Relating to emergency services districts in certain counties.
(Submitted by Governor as an emergency matter)

The motion prevailed by a viva voce vote.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 188 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 188** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Harris of Tarrant, Parker.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 63 ON SECOND READING**

Senator Ellis moved that the regular order of business be suspended and that **C.S.S.B. 63** be taken up for consideration at this time:

C.S.S.B. 63, Relating to refunding certain tuition and fees and assigning grades to certain students at institutions of higher education. (Submitted by Governor as an emergency matter)

The motion prevailed by a viva voce vote.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 63 ON THIRD READING**

Senator Ellis moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 63** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Harris of Tarrant, Parker.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 11 ON SECOND READING**

Senator Brown moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 11** be taken up for consideration at this time:

C.S.S.B. 11, Relating to the summary forfeiture of controlled substances, raw materials, and drug paraphernalia.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Harris of Tarrant, Parker.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 11 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.B. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Harris of Tarrant, Parker.

The bill was read third time and was passed by a viva voce vote.

CAPITOL PHYSICIAN

Senator Montford was recognized and presented Dr. Morris Knox of Brownfield as the "Doctor for the Day."

The Senate welcomed Dr. Knox and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of S.C.R. 13, the Presiding Officer announced the appointment of the following as a Committee to Escort The Honorable Tom Phillips, Chief Justice of the Supreme Court of the State of Texas, to the Joint Session: Senators Green, Glasgow, Dickson, Harris of Dallas, Henderson, Krier and Montford.

MEMORIAL RESOLUTIONS

S.C.R. 32 - By Brooks, Whitmire: In memory of United States District Judge Woodrow Seals.

S.R. 152 - By Haley: In memory of Darrell Edward Lunsford, Sr., Constable of Precinct 3 of Nacogdoches County.

CONGRATULATORY RESOLUTIONS

S.C.R. 33 - By Brooks: Commending Mrs. Bea Ramirez Svampera and students of La Porte Junior High School.

S.R. 158 - By Green: Commending the citizens of Baytown for their "Project Desert Support" and joining with them in their expression of sincere fealty for our troops across the seas.

RECESS

On motion of Senator Dickson and by unanimous consent, the Senate at 3:11 p.m. recessed until 11:15 a.m. tomorrow.

**THIRTEENTH DAY
(Continued)
(Tuesday, February 12, 1991)**

AFTER RECESS

The Senate met at 11:15 a.m. and was called to order by the President.

The Reverend Jay McCollum, Providence Baptist Church, Paris, offered the invocation as follows: